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Washington, D.C. 20554

AUG 12 1998

Federal Communications Commission  
Office of Secretary

In the Matter of	)	
	)	
Administration of the	)	CC Docket No. 92-237
North American Numbering Plan	)	
Carrier Identification Codes (CICs)	)	

PETITION FOR EMERGENCY STAY

MCI Telecommunications Corporation ("MCI"), by its attorneys, hereby petitions the Federal Communications Commission ("the Commission") for an Emergency Stay of the September 1, 1998 phase-out deadline for blocking of 3-digit carrier identification codes ("CICs") ordered by the May 1, 1998 *Declaratory Ruling* in the captioned proceeding.<sup>1</sup>

For the reasons discussed in detail below, in this Petition MCI requests that the Common Carrier Bureau ("the Bureau" or "CCB") order Local Exchange Carriers ("LECs") to immediately halt their end office conversion to 4-digit CICs due to a recently discovered technical deficiency threatening the integrity of all "dial-around" interexchange services. MCI has discovered that when dialing a 5-digit Carrier Access Code ("CAC") from an end office already converted to 4-digit CICs (*i.e.*, no longer accepts 3-digit CIC dialing), many end users do not immediately receive the appropriate "intercept" announcements, but instead are routed by the LECs to a delayed announcement after a prolonged period of ringing (averaging between 15-100 seconds or 3 to 20 rings) without call completion. Because this problem directly threatens the integrity of dial-around interexchange services in all major LEC territories, including GTE, Sprint and SNET, it is most pronounced in Bell Atlantic territory, and the Bureau should order Bell Atlantic

to immediately stop its end office CIC conversions, while taking no more than ten days to analyze other LEC responses to the Bureau's recent data inquiries to determine if similar action is needed in each other major LEC territories.<sup>2</sup> Once the CCB is satisfied that the problems raised in this Petition have been resolved and that service quality for dial-around interexchange services is no longer in jeopardy, it can then allow the phase-out of three digit CICs to continue, with completion three months from the re-start. MCI also requests that the Bureau direct LECs to promptly file a status report detailing their efforts to correct this technical deficiency and to resolve it as soon as possible, but in any event before 4-digit CIC conversions are resumed.

### INTRODUCTION AND SUMMARY

MCI has been conducting field tests calls of LEC implementation of 4-digit CIC codes, a local exchange network modification required to be completed by September 1, 1998 pursuant to the *Declaratory Ruling*.<sup>3</sup> Despite the Commission's plain directive that all LECs must block 3-digit CICs starting in just a few short weeks — and the Commission's rejection of MCI's earlier request for an extension of the so-called "permissive dialing" period — the majority of LECs are hugely deficient in their conversion to 4-digit CICs. More than 56% of LEC end offices have yet to be converted. Moreover, comparably large proportions of LEC central offices are not providing appropriate standard intercept announcements for calls dialed with 3-digit CICs. MCI test results show that in certain cities, where end offices have stopped accepting 5-digit CAC dialing,

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<sup>1</sup> *Administration of the North American Numbering Plan Carrier Identification Codes (CICs)*, Declaratory Ruling, CC Docket No. 92-237 (May 1, 1998) ("*Declaratory Ruling*").

<sup>2</sup> See Letter from Lawrence E. Strickling, Deputy Chief, Common Carrier Bureau, FCC to Ms. Celia Nogales, Ameritech, dated August 8, 1998, with additional data requests sent to Ameritech, Bell Atlantic, BellSouth SBC, and USWest. While MCI is experiencing the problems described in this Petition, especially excessive ringing for intercept announcements in all major ILEC territories, including GTE, Sprint and SNET, the problem is most critical in Bell Atlantic territory (both BA-North and BA-South).

<sup>3</sup> MCI's nationwide employee and selected customer program was initiated July 1, 1998 and will continue until the transition to four digit CICs is completed. Callers are asked to place at least one daily call to a MCI test  
(Footnote continued on next page)

customers dialing the old CAC receives several seconds of ringing (three to twenty rings, which translate to roughly 15-100 seconds) BEFORE the call hears the intercept announcement. As discussed below, such an occurrence leads for obvious reasons to customer confusion and a degradation of service.

These two LEC implementation failures, coupled with IXC's national education efforts, are extremely confusing for end users, irreparably harm the investment of interexchange carriers in access code dial-around products (such as Telecom USA's "10-10-321" service) and are completely inconsistent with the *Declaratory Ruling's* intent of fashioning a reasonable, but rapid, transparent transition to 4-digit CICs. If the *Declaratory Ruling's* September 1, 1998 deadline is not extended and the LECs are not ordered to immediately stop their end office conversion, MCI, other IXCs and ultimately consumers will suffer substantial and unnecessary harm as a result of the LECs' failure to undertake these network upgrades. Having already received an extension by virtue of the "phase-out" provisions of the *Declaratory Ruling*, there is simply no excuse for the LECs' conduct, and correspondingly no reason for extending the effects of that failure by imposing it on interexchange services through enforcement of the September 1, 1998 3-digit CIC blocking deadline.

### ARGUMENT

In its May 1, 1998 *Declaratory Ruling*, the Commission clarified that the transition from 3-digit to 4-digit CICs ended on June 30, 1998, so that LECs were permitted to block access code calls dialed with 3-digit CICs "no earlier than" July 1, 1998. *Declaratory Ruling* ¶ 22. The *Declaratory Ruling* also allowed a phase-out of the July 1 deadline for LECs, "where necessary," through September 1, 1998. *Id.* ¶ 23. This phase-out was granted, at the request of several Re-

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number using 10-321, record the results; then place a second call to the same test number using 10-10-321 and re-  
(Footnote continued on next page)

gional Bell Operating Companies ("RBOCs"), because of claimed technical difficulties in converting central office switches to 4-digit CIC capabilities. *Id.* ¶ 16. Finally, the Commission rejected MCI's request for extension of the "permissive dialing" period and, over MCI's objection, allowed LEC use of standard intercept tones ("SITs") and announcement messages for 3-digit CICs (*i.e.*, "your call cannot be completed as dialed"). *Id.* ¶ 32.

A. The LECs' CIC Code Transition Violations

MCI has been conducting field-testing of LEC implementation of 4-digit CICs. This nationwide testing has revealed that, in direct contravention of the Commission's *Declaratory Ruling*, a majority of the LECs have yet to implement 4-digit CIC capabilities ubiquitously and that many LECs are routinely violating the Commission's determinations with regard to intercept announcements. Specifically:

1. The LECs are not appropriately applying intercept announcement messages for 3-digit CICs, as calls made with these access codes (such as "10-321") first ring as many as three to twenty times before being intercepted to an announcement. This is very confusing to callers, who have a reasonable expectation that after more than one ring, their call has reached its destination and is waiting for the calling party to answer. Instead, if a customer decides to wait past three rings or more, the caller is routed to a message telling them to call again. According to the LECs, limited central office trunking and switch port capacities necessitate this excessive ringing before reaching an intercept treatment, and no network expansions are planned to remedy the problem.
2. Only 44% of LEC end offices nationwide have been converted to 4-digit CICs, with just weeks left until the September 1 deadline. That is, 56% of LEC end offices continue to allow completion of access code calls dialed with 3-digit CICs; some LECs, such as US West, BellSouth and Ameritech, have converted very few of their end offices. Given the substantial technical problem experienced with converted end offices, there is an extremely high probability that last minute installation of 4-digit CIC software will drastically increase the service integrity issues for dial around services.

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cord the results. The data represented here are a compilation of these tests.

These twin problems directly affect the integrity of the Bureau-ordered transition to 4-digit CICs and, as a result, Telecom USA's ability to provide important services, such as 10-10-321, for which we have undertaken a massive, nationwide consumer education campaign.<sup>4</sup> The *Declaratory Ruling* directed that interexchange carriers must "inform their customers of the dialing change that will take place on July 1, 1998" and could not rely on the September 1 "phase-out" deadline. *Id.* ¶ 20. Nonetheless, the LECs have failed to implement the Bureau's directives and appear unwilling to invest the resources necessary to achieve the smooth and rapid CIC transition dictated by the Bureau. LECs failure to provide adequate switch capacity to prevent excessive ringing to announcements impacts, not the customer perception of the LEC, but the IXC. A customer using a dial around service does not understand that the ringing is a result of a LECs disregard for service integrity, but assumes that the dial around service itself is the problem. After several attempts to use the service become bothersome, the customer will simply stop using the service.

The data from MCI's field tests underscore the seriousness of this issue. MCI's field tests reveal that an extremely large proportion of 3-digit CIC calls are being handled inappropriately after LEC blocking has begun. The problem is most severe in the Bell Atlantic territory. The following statistics were derived from MCI's test calls placed in the Bell Atlantic region:

	<b>Total 10xxx Calls</b>	<b>Total 10-xxx Calls to Converted End Offices</b>	<b>Received 3+ Rings</b>	<b>Routed direct to Message</b>
Calls on 7/28	61	43	26	17

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<sup>4</sup>Today, a caller expects to reach either the calling party, an answering machine or voice mail after relatively few rings. Instead, a frequent user of a CAC "dial-around" service is experiencing delays that were not experienced before the conversion process began or permissive dialing period ended, seriously damaging the integrity of these services.

As these data demonstrate, in the Bell Atlantic region 64% of calls made from end offices where Bell Atlantic has decommissioned 3-digit CICs are experiencing excessive ringing on access code "dial around" calls, as recently as two weeks ago. This problem will exacerbate, and service quality will continue to be degraded, as Bell Atlantic continues to transition its end offices to four digit CICs. For nationwide "dial-around" services dependent on accurate receipt of appropriate intercept announcements for consumer re-dialing of calls placed to invalid 3-digit CICs, the absence of correct intercept messages creates massive problems in good will and brand loyalty, because many consumers will assume that an "unanswered" call dialed to an old CIC means that interexchange service quality is deficient, not the LEC has incorrectly provisioned "intercept" announcements.

In addition, the percentage of LEC end offices that have been converted to four-digit CICs remains abysmally low, given the imminence of the end of the transition period.

LEC	BA	BS	GTE	SBC	AMER	PB	USW	Other	TOTAL
Percent of U.S.	22%	14%	12%	10%	10%	10%	10%	12%	100%
Week End.									
7/4	6%	0%	3%	42%	0%	10%	1%	10%	8%
7/11	45%	1%	4%	52%	0%	36%	1%	13%	21%
7/18	62%	2%	5%	64%	0%	45%	1%	15%	27%
7/25	69%	4%	10%	72%	0%	78%	2%	19%	36%
8/5	80%	22%	16%	75%	6%	80%	33%	43%	44%

This low percentage of completed transitions indicates that the delayed intercept announcement issue will only grow, and rapidly, as LECs attempt to convert most of their end offices in the last few weeks of August to meet the September 1, 1998 deadline.

**B. Immediate Bureau Stay Relief is Necessary and Appropriate**

For these reasons, that MCI requests that the Bureau, on its own motion, order Bell Atlantic to immediately halt its end office CIC conversion until the Bureau investigates and determines that dial-around services will not be harmed by Bell Atlantic's plain neglect for the Commission's intent of a smooth and transparent transition from three-digit to four-digit CICs. The Bureau may then seek public comment on the remaining issues in this Petition, namely the extent of excessive ringing in other LEC territories and the need to order other LECs to halt their transition to four-digit CICs until service integrity is ensured. MCI requests the Bureau to seek public comment on an expedited basis, with a very short comment cycle, so that the Bureau can be positioned to take other immediate action necessary to prevent further service degradation due to LECs' network issues.

In determining whether to grant such a stay, the Commission generally employs a four-part test under the standards set forth in *Virginia Petroleum Jobbers Ass'n v. FPC*, 259 F.2d 921, 925 (D.C. Cir. 1958), and *Washington Metropolitan Area Transit Comm'n. v. Holiday Tours*, 559 F.2d 841, 843 (D.C. Cir. 1977). Under this test, the Commission requires that the petitioner demonstrate (1) that it is likely to prevail on the merits; (2) that it will suffer irreparable harm if a stay is not granted; (3) that other interested parties will not be harmed if the stay is granted; and (4) that the public interest favors grant of the stay.<sup>5</sup>

The data from MCI's field tests on LEC implementation of 4-digit CICs confirm that the standard for a stay has clearly been met. **First**, LECs are not presently complying with the Commission's *Declaratory Ruling*, and therefore MCI is likely to prevail on the merits. The complete LEC industry disregard for the Commission's 4-digit CIC implementation deadline entirely

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<sup>5</sup> See *Florida Public Service Commission, Request for Interpretation of the Applicability of the Limit on Change in interstate Allocation, Section 36.154(f) of the Commission's Rules, Order Granting Motion for Partial* (Footnote continued on next page)

defeats the Commission's stated intention that the phase-out should ensure that the transition from 3-digit codes is "orderly" and "efficient." *Declaratory Ruling* ¶ 37.

**Second**, MCI will suffer irreparable harm if a stay is not granted because the failure of LECs to implement 4-digit CICs and to provide correct announcement messages makes it extraordinarily difficult to provide important services, such as 10-10-321, for which Telecom USA has undertaken an extremely expensive, nationwide consumer education campaign, thus irreparably injuring this service's commercial good will and customer loyalty.

**Third**, no other parties will be harmed if the stay is granted. To the contrary, only if the September 1, 1998 deadline is enforced will harm occur to consumers and carriers, such as MCI, whose calls will be improperly handled due to the failure to implement the Commission's rules because this excessive delay in reaching an intercept announcement will only increase as the number of end office where the CIC transition has completed increase.

**Fourth**, given the LEC industry's disregard of the Commission's *Declaratory Ruling* requirements, the public interest plainly favors grant of the stay.

### CONCLUSION

For these reasons, and in light of the documented failures in the LEC industry (and specifically Bell Atlantic) transition to 4-digit CICs, the Bureau should grant MCI's petition and (1) direct Bell Atlantic to immediately halt its CIC transition while taking no more than ten days to analyze the other LEC responses to the Bureau's recent data inquires to determine if similar action is needed in each ILEC major territory; (2) direct all LECs to provide appropriate intercept announcements, without excessive ringing, for access code calls placed with 3-digit CICs; and (3) stay the September 1, 1998 deadline for blocking of 3-digit CICs by ordering all LECs to

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Stay, 12 FCC Rcd 14324 (1996); *Petition of NextWave Telecom, Inc. for Stay of the June 8, 1998, Personal Com-*  
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immediately halt CIC transition related activity until the Bureau determines that dial around service integrity is maintained. Only in this way can the Commission remain faithful to the determinations of its May 1 *Declaratory Ruling* and alleviate the pronounced customer confusion and service degradation that exists today in the marketplace due to LEC failures to implement the CIC transition ordered by the Commission.

Respectfully submitted,

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Dated: August 12, 1998

I, Sylvia Chukwuocha, do hereby certify that on this 12<sup>th</sup> day of August 1998, that I have served a copy of the foregoing document via messenger\*, and US Mail, postage pre-paid to the following

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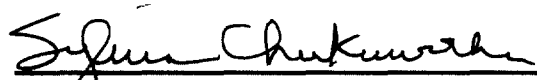
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